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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,776	11/08/2000	Luis M. Ortiz	K1023	2526
7590	03/18/2004			EXAMINER GESESSE, TILAHUN
Kermit D. Lopez/Luis M. Ortiz ORTIZ & LOPEZ, PLLC Patent Attorneys P.O. Box 4484 Albuquerque, NM 87196-4484			ART UNIT 2684	PAPER NUMBER
DATE MAILED: 03/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/708,776	ORTIZ ET AL.	
	Examiner Tilahun B Gesesse	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 January 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This is in response to applicant's amendment and response filed January 8, 2004, in which claims 1-35 are pending, the office action in the merit is as follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5,8-~~14~~,16-23,25-30,33-35 rejected under 35 U.S.C. 102(e) as being anticipated by Lassiter (6,624,846).

As to claim 1, Lassiter discloses method for receiving venue-based data (column 7, line 39-column 8, line19) at hand held device (105), comprising receiving at a hand held device (105), data transmitted from at least one venue based data source of a venue (column 5, line 58-column 6, line 10 and figure 1), processing the data for display on a display screen associated with the hand held device (column 6, line 14- column

7, line 6 and figure 1) and displaying processed data on the display screen, thereby enabling the hand held device to view venue based data through the hand held device (column 19, lines 11-37 and figure 8).

As to claims 2,20, Lassiter discloses the data source (101) comprising at least one video camera (figure 1).

As to claim 3,21-22, Lassiter discloses the at least one video camera is adapted to provide high-resolution wide angle video data (column 12, lines 15-22).

As to claim 4, Lassiter discloses receiving at a hand held device data transmitted from at least one venue based data source (101), comprises receiving through at least one wireless receiver at the hand held device (105), data transmitted from the at least one venue based data source (figure 1 and it's disclosure).

As to claim 5, Lassiter discloses broadcasting the data to the hand held device through wireless communications (column 6 lines 23-31).

As to claims,23 Lassiter discloses transmitting the data from the at least one venue based data source to the hand held device (column 6 lines 23-31).

As to claims 8-9,25 Lassiter discloses displaying processed data on the display screen (105) , further comprising displaying processed data on the display screen , in response to user input through a user interface associated with the hand held device (figure 1 and it's disclosure).

As to claims 10-11,26-28 Lassiter discloses displaying a particular perspective of the venue based activity on the display screen, in response to a user selection of the

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particular perspective of the venue activity and image processing module (column 6, lines 14-31).

As to claims 12-14,29-30 Lassiter discloses the venue based data comprises real time video data and instant replay video data (column 5, lines 58-column 6, line 11).

As to claim 16, Lassiter discloses method for receiving venue-based data (column 7, line 39-column 8, line19) at hand held device (105), comprising receiving at a hand held device (105), data transmitted from at least one venue based data source of a venue (column 5, line 58-column 6, line 10 and figure 1), processing the data for display on a display screen associated with the hand held device (column 6, line 14-column 7,line 6 and figure 1) and displaying processed data on the display screen, thereby enabling the hand held device to view venue based data through the hand held device (column 19, lines 11-37 and figure 8).

As to claims 17-19, Lassiter discloses method for receiving venue-based data (column 7, line 39-column 8, line19) at hand held device (105), comprising receiving at a hand held device (105), data transmitted from at least one venue based data source of a venue (column 5, line 58-column 6, line 10 and figure 1), processing the data for display on a display screen associated with the hand held device (column 6, line 14-column 7,line 6 and figure 1) and displaying processed data on the display screen, thereby enabling the hand held device to view venue based data through the hand held device (column 19, lines 11-37 and figure 8).

claims 33-35, which recite the steps of implementing system, in place of method claim 1, are rejected for the same reason as set forth in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7, and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Lassiter in view of Strandwitz et al (6,522,352).

As to claims 6-7 and 24 , Lassiter does not expressly teach a network as claimed. However, Strandwitz discloses data communication through a wireless network and wireless gateway (figures 4 and 7). Since, Lassiter , in the same field of art, teaches wireless system, then , it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lassiter and Strandwitz in transmitting and receiving data through wireless network, as taught by Strandwitz, in order the distribute venue based data communication using the wireless infrastructure to different users.

6. Claims 15,31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassiter in view of Lee et al (6,535,493).

As to claims 15,31-32 Lassiter does not specifically disclose advertising information. However, Lee et al disclose advertising information (column 8, lines 21-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lassiter and Lee in receiving advertising information, as taught by Lee, in order to inform the user about the advertising items for taking an advantage of the low price sale items.

Response to Arguments

7. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mileski et al (6,525,762) discloses a wireless underwater video system for obtaining live video/audio data to profile a designated area of an ocean bottom is described the system includes a video camera enclosed in a water tight housing which produces video and audio singal which are transmitted to a transmitting (abstract and figure 1).

Hull et al (5,806,005) disclose an image transfer system 10 (figure 1) wit a remote staion 12 coupled to a sever station 14, via a cellular telephone system 16, includes a digital camera made up of a capture device 20 and an image memory 24 (column 1, line 66-column 2, line 19).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

March 12, 2004

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TILAHUN GESESSA
PATENT EXAMINER